IN THE HIGH COURT OF UTTARANCHAL AT NAINIAL

Wirt Petition No. 1109 (MS) of 2006

Ravinandan Kumar Jain,
Son late Sri Ram Kumar Jain,
Resident of Railway Road,
Jawalapur,
District-Haridwar. **…….Petitioner.**

Versus

1. State of Uttaranchal through Secretary, Education Secretariat, Complex Dehradun.
2. Secretary, Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital.
3. District Education Officer, Haridwar, District-Haridwar.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Navneet Kaushik, learned counsel for the petitioner, Sri V.K. Bisht, Sr. Advocate, assisted by Sri Sushil Vashishta for respondent no.2 and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent nos. 1 and 3.

By means of this writ petition, the petitioner has prayed for the following relefs:

I. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents to clarify the position regarding the equivalence of High School Education conducted by Gurukaul Vishwavidyalaya Vrindavan, Mathura (U.P.) to be valid in the State of Uttaranchal and to further clarify the equivalence to the High School education conducted by Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital.*

II. *Issue a writ order or direction in the nature of Mandamus directing the respondent no.3 to pass appropriate orders to the schools in District Hardwar to admit the students in 11th Standard who have passed their High School education form Gurukul Vishwavidyalaya Virndavan, Mathura (U.P.)*

III. *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner.*

IV. *Award cost of the petition to the petitioner.*

This writ petition has been filed by the Principal of Swasti Senior Secondary Shool, Jawalapur, District –Haridwar affiliated to Gurukul Vishwavidyalaya Virndavan, Mathura, Uttar Pradesh. The said Institution is imparting secondary education to the students. The Institution was granted permission by Gurukul Vishwavidyalaya Vrindavan, Mathura to run school for imparting secondary education. Gurukul Vishwavidyalaya Virindavan, Mathura issued Adhikari Pariksha Certificate for the academic session 2005 -06 to the students of the Institution.

The students, who passed Adhikari Pariksha from the petitioner's Institution, were not permitted to take admission in Intermediate classes in the schools recognized by the Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital.

The petitioner filed representation to the Education Minster, Principal Secretary, District Education Officer, Hardwar and also to the District Social Welfare Officer, Hardwar whether the Adhikari Pariksha certificate issued by the Gurukul Vishwavidyalaya Virndavan, Mathura to the students of the petitioner's institution is equivalent to the high

School certificate issued by Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital or not?

The Petitioner has relied upon the letter issued by Secretary, Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital dated 01.03.2005 addressed to Director of Education, Uttaranchal, stating therein that the certificate of Adhikari Pariksha with English issued by Gurukul Vishwavidalaya Vrindavan, Mathura is equivalent to High School certificate issued by Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital. Similar stand was taken by the Secretary, Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital in his letter dated 02.05.2006 addressed to Chancellor, Gurukul Vishwavidyalaya Vrindavan, Mathura.

Learned counsel for respondent no.2 has submitted that Ministry of Human Resource Development has issued letter dated 03.08.2006 informing the Secretary that the recognition granted to the certificate issued by Gurukul Vishwavidyalaya Vrindavan, Mathura, in respect of various examinations has already been de-recognized by the Ministry of Human Resource and Development vide notification/ letter dated 22.11.1979.

Learned counsel for respondent no.2 has further submitted that press release was also issued by the Ministry of Human Resources and Development, Government of India declaring various Universities including Gurukul Vishwavidyalaya Vrindavan, Mathura as fake University.

The submission of the learned counsel for the petitioner is that respondent no.2 has issued letters dated 01.03.2005 and 02.05.2006 which are Annexure nos. 2 and 3 to the writ petition that certificate of Adhikari Pariksha with English issued by

aforesaid University is equivalent to the High School Certificate issued by Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainial and in spite of these letters, students of the petitioner's Institution having certificate of Adhikari Pariksha are not being permitted to take admission in 11th Standard in the Institutions of Uttaranchal. In this respect, he has already submitted representation before respondents to inform whether respondents are still holding the view as mentioned in letters dated 01.03.2005 and 02.05.2006 of Secretary, Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital.

From the perusal of the letter dated 03.08.2006 issued by Ministry of Human Resources Development, Government of India it is clear that certificates issued by Gurukual Vishwavidyalaya Vrindavan, Mathura for various examinations have been derecognised vide notification dated 22.11.1979 and the said University has been declared as fake University by the Ministry of Human Resources Development, Government of India.

Learned counsel for the petitioner has submitted that in case, certificate issued to the students of petitioner's Institution is not recognized by the Uttaranchal Shiksha Evam Pariksha Parishad, Ramnagar, Nainital he will stop admitting the students in the Institution. However, no information is being provided to the petitioner by the respondents to this effect in spite of the repeated requests made by the petitioner.

The issue is of great important because further of students, who are taking admission in the Institution will certainly be effected adversely, as such, it is in the interest of justice to issue direction to the respondents to pass appropriate order on the representation of the petitioner in view of the

order passed by the Ministry of Human Resources Development in respect of Gurukul Vishwavidyalaya Vrindavan, Mathura.

Since the future of number of students is involved, it is expected form the State Government of Uttaranchal to take immediate action by passing appropriate order in view of the order passed by Ministry of Human Resources Development regarding the Gurukual Vishwavidyalaya Vrindavan, Mathura and the institution affiliated with the University. Writ petition is devoid of merit and as such, is dismissed. Interim relief application no. 10419 of 2006 is rejected accordingly. No order as costs.

(M. M. Ghildiyal, J.)

August 19, 2006
SKSharma